

Via ECF

January 12, 2023

The Honorable Rukhsanah L. Singh
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

RE: *United States ex rel. Franchitti v. Cognizant Technology Solutions Corp., et al.,*
Civil Action No. 3:17-cv-06317-PGS-RLS

Dear Judge Singh,

Undersigned counsel write jointly pursuant to the Court's November 27, 2023 Order directing the submission of a Joint Status Letter by January 12, 2024. ECF No. 184.

Status of Discovery

Party Discovery

On March 29, 2023, the Court ordered Cognizant to produce data for H-1B, L-1, and B-1 visa employees from 2011 through 2020. *See* ECF No. 146. Cognizant completed its production of this data on September 29, 2023, after which the Parties have met and conferred regarding the production of data for non-visa employees as required by the Court's March 29 Order. The Parties have also conferred about Cognizant's production of L-1 and B-1 visa application materials, employee complaints/grievances, and government investigation materials. The Parties are still conferring regarding Cognizant's production of non-visa employee data, but have reached an impasse on other discovery issues, which will be discussed in detail in a forthcoming joint letter brief to the Court. Fact discovery is currently set to close on May 31, 2024. ECF No. 184.

Cognizant's Discovery Of Real-Party-in-Interest Agencies.

Cognizant has two pending motions to compel various United States agencies that have been pending since June 2023. By way of a brief summary, on April 6, 2023, the Court denied Cognizant's Motion to Compel USCIS and DHS-OIG (ECF No. 100) and Motion to Compel IRS and DOL (ECF No. 108) and the Agencies' cross-motions to quash (ECF Nos. 104, 124, 129), finding that compliance with Cognizant's subpoenas is required within the District of Columbia. ECF No. 150. On April 28, 2023, Cognizant re-filed the motions to compel in the United States District Court for the District of Columbia. Cognizant simultaneously filed an unopposed Motion to Transfer each of its two motions to compel to the District of New Jersey, which were both granted. On June 16, 2023, Cognizant's Motion to Compel IRS and DOL was transferred and docketed as Civil Case No. 3:23-cv-03320-PGS-RLS; on June 21, 2023, Cognizant's Motion to Compel USCIS and DHS-OIG was transferred and docketed as Civil Case No. 3:23-cv-03386-PGS-RLS. On October 18, 2023, USCIS and DHS-OIG filed supplemental declarations attesting to the burden of complying with some of the discovery requests at issue. ECF Nos. 177, 177-1, 177-2. On November 1, 2023, Cognizant filed a Reply to those declarations. ECF No. 180.

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Briefing is complete on both Cognizant's Motion to Compel USCIS and DHS-OIG and Motion to Compel IRS and DOL, and they are ripe for the Court's decision.

Other Pending Motions Before This Court

On November 9, 2023, Cognizant filed a motion to redact portions of the November 3, 2023 Letter to Judge Singh Regarding the Parties' Request for an Extension of Discovery and Exhibit C to the letter. ECF No. 182. On November 10, 2023, Relator filed an alternative proposed order. ECF No. 183. Briefing on the motion is complete and this motion is ripe for consideration.

Thank you for the Court's consideration of this matter.

Sincerely,

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